

SAN JOSE APPEALS HEARING BOARD MINUTES
THURSDAY, MAY 22, 2008
6:30 P.M., COUNCIL CHAMBERS

1. The meeting of the San Jose Appeals Hearing Board convened this date at 6:30 p.m., Council Chambers, City Hall, with the following members in attendance: Chairperson Clark Williams, Commissioners Calvin Chu, Sonja Etienne, Jose Hernandez, Troy Overton, Karen Parsons and Susan Ruscigno.

Staff Present: Evet Loewen, Chief Deputy City Attorney
Michael Hannon, Deputy Director of Code Enforcement
Sandy Bouja, Appeals Hearing Board Secretary
Luis Arevalo, Code Enforcement
Garry McLeod, Code Enforcement
Betty Mitre, Code Enforcement

2. **Opening Remarks and Approval of Minutes**

Chairperson Clark Williams read a statement to the public requesting that speakers identify themselves and state their address. There was a motion by Commissioner Ruscigno, seconded by Commissioner Etienne, to approve the minutes of May 8, 2008.

3. **Request for Excused Absence**

The Board approved the excused absence for Commissioner Parsons for May 8, 2008.

4. **Public Hearings Consent Calendar**

- a. **29 S. 22nd Street (467-31-044) Summary Abatement**
(Garry McLeod, Inspector / Cristina Bautista, Property Owner)
- b. **2378 Summer Street (484-40-012) Summary Abatement**
(Garry McLeod, Inspector / Deutsche Bank National Trust, Property Owner)
- c. **1490 Medallion Drive (577-27-024) Summary Abatement**
(Garry McLeod, Inspector / US Bank National Association, Owner)
- d. **1749 Crucero Drive (477-41-014) Summary Abatement**
(Garry McLeod, Inspector / Jorge Hurtado, Property Owner)

There were no separate discussions on hearing items regarding 29 S. 22nd Street, 2378 Summer Street, 1490 Medallion Drive and 1749 Crucero Drive. The hearing items were considered to be routine and were adopted in one motion.

There was a motion by Commissioner Parsons, seconded by Commissioner Chu, to order as follows:

To approve the Consent Calendar.

AYES: Chu, Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams
NAYS:
ABSENT:

5. Deferred and/or Continued Items

a. 654 Willis Avenue (264-22-057) ADMINISTRATIVE REMEDY
(Luis Arevalo, Inspector / Saul Roberto Flores, Property Owner)

Code Enforcement Inspector Luis Arevalo testified that the single-family residence was converted into a duplex and the basement had been altered into living space without permits. Inspector Arevalo stated that this case has been continued from April 10, 2008, for further research and deferred again from May 8, 2008, because the property owner was sick.

Inspector Arevalo presented a packet to the commissioners and the property owner, in support of the allegation that the work was done without the required planning and building permits.

Building Inspector Robert Mori stated that he conducted the initial inspection at the subject property. Building Inspector Robert Mori stated that he found an electrical surface upgrade, a water heater replacement, and a window change out without permits. Photos taken on April 17, 2008 of the subject property shows an overhang built to the property line on the side of the house, illegal plumbing in the basement, dangerous electrical in the unit and a garage that has fallen down.

Building Inspector Robert Mori stated that the City's Building Department does not issue a Certificate of Occupancy for one and two family dwellings only of three units or more.

Chair Williams asked Building Inspector Robert Mori if it is possible that a paper permit number was assigned and did not get into the system. In response, Building Inspector Robert Mori stated that he believed that would not happen.

Inspector Arevalo stated he has a print out of the permit history for the subject property showing the number on the certificate is not on the print out history. Inspector Arevalo also stated that before the permit could have been issued it would have been required to have a Site Development Permit from the Planning Division

Mr. Telles testified and stated that his reason for being at tonight's meeting is because he was called by the property owner, Saul Flores, who is coming from Monterey and that traffic was diverted because of the fire and that the property owner was in transit. Mr. Telles stated that he could not answer questions about the property and that Mr. Flores would arrive in about ten minutes.

There was a ten minute recess to give an opportunity for the property owner to appear.

Property Owner Saul Flores arrived at the meeting and was sworn in.

Chair Williams requested that Inspector Luis Arevalo and Building Inspector Robert Mori repeat their testimony.

Property Owner Saul Flores asked what is he to do if something went through the Building Department in 1998 and is now being questioned. Mr. Flores stated that the cost would be expensive in correcting the matter.

Inspector Arevalo presented a printed copy of the permit history pertaining to the subject property. Inspector Arevalo also stated that if the property was permitted as a duplex with a Site Development Permit and a Building Permit, the duplex would have two electrical services and a separate heating system for each unit. The basic requirements for a duplex did not exist on the subject property at the time of the inspection.

Deputy Director of Code Enforcement Michael Hannon stated that the City requires the property owner to obtain a final building permit by no later than May 7, 2009. Mr. Hannon stated that this would give the property owner time to secure a planning permit, convert the property to a duplex or revert the property back.

There was a motion by Commissioner Overton, seconded by Commissioner Chu, to order as follows:

To accept the recommendations of Code Enforcement and require the property owner to final the permits by May 7, 2009 and the administrative penalties of \$1320.00 to be held in abeyance until May 8, 2009.

AYES: Chu, Etienne, Hernandez, Overton, Ruscigno, Williams

NAYS: Parsons

ABSENT:

6. Public Hearings

b. Finance Department / Administrative Remedies

The Finance Department requests authority to place liens against the delinquent accounts on the Director of Finance's report that have remained unpaid as of today, May 22, 2008.

- Joe L. Valenzuela, 220 N 26th Street (APN 467-07-019), Res. 01-85
- Reyes G. LeGrande, 435 N 15th Street (APN 249-55-065), Res. 05-24

- Alan D. Field, 2173 Radio Avenue (APN 439-07-032), Res. 07-33
- Francisco Serrano & Rosa Hernandez, 332 Willow Street (APN 434-05-015), Res. 07-38

There was a motion by Commissioner Etienne, seconded by Commissioner Parsons, to order as follows:

To approve the Finance liens.

AYES: Chu, Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams

NAYS:

ABSENT:

c. Finance Department / Abatement Costs

The Finance Department requests authority to place liens against the delinquent accounts on the Director of Finance's report that have remained unpaid as of today, May 22, 2008.

- Fabian Parnisari, 1830 Waverly Ave. (APN 491-07-011), Res. 07-23
- Angel S. Gonzalez, 348 N 20th St. (APN 249-62-063), Res. 07-29
- Catalina Hernandez, 1449 Cliffwood Dr. (APN 486-12-037), Res. 07-32
- Tamio Yanagawa, 2148 Leon Dr. (APN 282-30-029), Res. 07-34
- Maria E. Trujillo, 7291 Taranga Ct. (APN 706-17-022), Res. 07-37
- Blanca Moreno, 1883 E. St. James St. (APN 481-10-025), Res. 07-42
- Michael V. Bondarenko, 528 W. Virginia St. (APN 264-41-002), Res. 08-02

There was a motion by Commissioner Etienne, seconded by Commissioner Parsons, to order as follows:

To approve the Finance liens.

AYES: Chu, Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams

NAYS:

ABSENT:

7. Other Business

8. Oral Communication from the Public

9. Adjournment

There was a motion by Commissioner Etienne, seconded by Commissioner Parsons to adjourn the meeting. Chair Clark Williams adjourned the meeting at 7:50 p.m. The next regular meeting will be held on Thursday, June 12, 2008 at 6:30 p.m., at the City Hall Council Chambers.